

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6853
BILL NUMBER: SB 224

DATE PREPARED: Jan 18, 2002
BILL AMENDED:

SUBJECT: Reckless Supervision of a Child.

FISCAL ANALYST: Michael Molnar
PHONE NUMBER: 232-9559

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill also provides that a child care provider who recklessly supervises a child who dies as a result of the provider's reckless supervision commits reckless supervision of a child, a Class C felony.

Effective Date: July 1, 2002.

Explanation of State Expenditures: This bill has two provisions. The first provision adds two items to the list of reasons for denial of a child home license. The second provision makes it a Class C felony if a child under the supervision of a child care provider dies as a result of reckless supervision.

The Family and Social Services Administration (FSSA) currently has an appeals process in place for licensed child care homes that have had their license suspended, revoked, or denied due to non-compliance with established guidelines. The current appeals rate for these homes is 0.33%, or 13 out of 4,000 licensed child care homes. The addition of these standards to this list may increase the incidence rate of license denials. If the number of appeals does not increase substantially, then the agency should be able to absorb any additional costs. However, if the number of appeals increases substantially, then the agency will incur costs at a rate of \$400 per appeal.

If a child dies as a result of reckless supervision, the child care provider commits reckless supervision of a child. This is a Class C felony and is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction, Family and Social Services Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association; Department of Correction; Amy Brown, Legislative Director, Family and Social Services Administration, (317) 232-1149.